



09-14-04

B
Bh

DOCKET NO.: ORT 1531
Application No.: 10/037,369
Office Action Dated: August 12, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHEUNG, Wing K., Basant
SHARMA, Selima BEGUM, and
Sweta CHOSKI

Confirmation No.: 6789

Application No.: 10/037,369

Group Art Unit: 1654

Filing Date: November 7,
2001

Examiner: Michael V. Miller

For: Aqueous Sustained-Release Formulations of Proteins

EXPRESS MAIL LABEL NO: EV 313407989 US
DATE OF DEPOSIT: September 13, 2004

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Office of Publication/Publishing Division

Sir:

REPLY TO NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

In response to the Notice dated **September 13, 2004**, and to correct the inconsistency noted therein, Applicants submit herewith a copy of Figure 8.

In addition to the Figure, Applicants submit evidence that this Figure was originally included with the application at the time of filing, and thus does not constitute new matter.

The evidence includes:

DOCKET NO.: ORT 1531
Application No.: 10/037,369
Office Action Dated: August 12, 2004

PATENT

-a copy of Applicants' postcard receipt indicating eight (8) sheets of drawings were submitted at time of filing;

-a copy of the Filing Receipt indicating eight (8) drawings were received (along with Applicants' Request for corrected Filing Receipt to correct date of receipt).

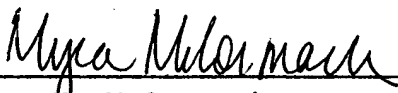
Applicants respectfully submit that this evidence, along with the facts that eight sheets of drawings are described on the transmittal letter, and that no notice was ever previously issued regarding any inconsistency between the drawings and the specification, is sufficient to establish that Figure 8 was originally filed and received in the United States Patent and Trademark Office.

Please advise us if you require anything further prior to publication.

Please charge any fees in connection with this submission to Deposit Account No. 10-0750/ORT-1531/MHM.

Respectfully submitted,

Date: September 13, 2004


Myra N. McCormack
Registration No. 36,602

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Telephone: (732) 524-6932

Encl.: Notice of Inconsistency (1 page)
Filing Receipt/Request for Correction (7 pages)
Postcard (1 page)



10/037,369

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 11-701 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 8 ^{is} are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures _____ are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in abandonment of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

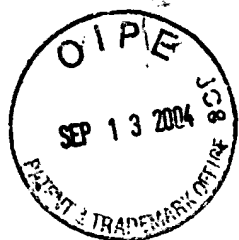
Return Corrected Drawings/Specification to:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division
Customer Service: 703-308-6789
1-888-786-0101

FORM PTO-1631 (REV. 10-03)



SERIAL NO. _____ DOCKET NO. DT1531 BY JWW
APPLICATION OF CHEUNG et al. MAILED: 7-Nov-2001
ENTITLED Aqueous Sustained-Release Formulations
of Proteins

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE
STAMPED HEREON:

<input type="checkbox"/> AFFIDAVIT	<input type="checkbox"/> DECLARATION	<input type="checkbox"/> EXTENSION OF TIME
<input type="checkbox"/> AMENDMENT		<input type="checkbox"/> NOTICE OF APPEAL
<input type="checkbox"/> ASSIGNMENT FOR RECORDING		<input type="checkbox"/> OATH OR <input checked="" type="checkbox"/> DECLARATION
<input type="checkbox"/> BRIEF		<input checked="" type="checkbox"/> POWER OF ATTORNEY
<input checked="" type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750		<input type="checkbox"/> PRELIMINARY STATEMENT
<input checked="" type="checkbox"/> DRAWINGS <u>8 sheets</u>		<input type="checkbox"/> PRIORITY DOCUMENT
<input type="checkbox"/> ISSUE FEE TRANSMITTAL		<input type="checkbox"/> STATUS INQUIRY
<input type="checkbox"/> LETTER		<input checked="" type="checkbox"/> SPECIFICATION <u>43</u> PGS
<input type="checkbox"/> PCT FILING		<input checked="" type="checkbox"/> CLAIMS <u>19 (3 pages)</u>
<input type="checkbox"/> IDS - FORM-1449		<input checked="" type="checkbox"/> <u>Express Mail Cert</u>

FORM 113788 REV. 7/96

RECEIVED

NOV 08 2001

U & J PAT. DKT. SECTION



SERIAL NO. 10/037,369 DOCKET NO. ORT1531 BY JWD
APPLICATION OF CHEUNG et al. MAILED: 8 April 2002
ENTITLED Aqueous Sustained-Release Formulations
of Proteins

THE FOLLOWING HAS BEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

- | | | |
|---|--------------------------------------|--|
| <input type="checkbox"/> AFFIDAVIT | <input type="checkbox"/> DECLARATION | <input type="checkbox"/> EXTENSION OF TIME |
| <input type="checkbox"/> AMENDMENT | | <input type="checkbox"/> NOTICE OF APPEAL |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING OATH OR | | <input type="checkbox"/> DECLARATION |
| <input type="checkbox"/> BRIEF | | <input type="checkbox"/> POWER OF ATTORNEY |
| <input type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750 | | <input type="checkbox"/> PRELIMINARY STATEMENT |
| <input type="checkbox"/> DRAWINGS | | <input type="checkbox"/> PRIORITY DOCUMENT |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL | | <input type="checkbox"/> STATUS INQUIRY |
| <input checked="" type="checkbox"/> LETTER - <i>Request for Corrected Filing Receipt.</i> | | <input type="checkbox"/> SPECIFICATION _____ PGS |
| <input type="checkbox"/> PCT FILING | | <input type="checkbox"/> CLAIMS _____ |
| <input type="checkbox"/> IDS - FORM - 1449 | | <input type="checkbox"/> _____ |

RECEIVED

APR 09 2002

U & J PAT. DKT. SECTION



Docket No. ORT-1531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wing K. CHEUNG, et al.

Application No.: 10/037,369

Group No.: 1653

Filed: 7 November 2001

Examiner: Not Assigned

For: AQUEOUS SUSTAINED-RELEASE FORMULATIONS OF PROTEINS

CERTIFICATION UNDER (37 C.F.R. § 1.8(A))

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

- ☒ Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 8 April 2002

Facsimile

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

John W. Wallen, III

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

Note: The PTO will not correct the filing receipt until the application is complete (in other words, the applicant files a response to the notice to file missing parts).

2. There is an error with respect to the following data, which is:

☒ incorrectly entered and/or ☐ omitted.

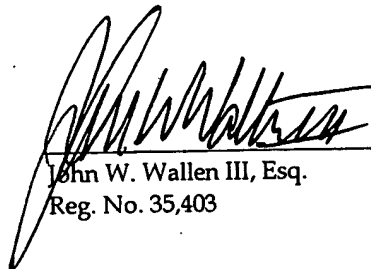
Error in

Correct data

- | | |
|--|--------------------|
| 1. <input type="checkbox"/> Applicant's name | 1. |
| 2. <input type="checkbox"/> Applicant's address | 2. |
| 3. <input type="checkbox"/> Title | 3. |
| 4. <input checked="" type="checkbox"/> Filing Date | 4. 7 November 2001 |
| 5. <input type="checkbox"/> Application Number | 5. |
| 6. <input type="checkbox"/> Foreign/PCT App. Re: | 6. |
| 7. <input type="checkbox"/> Other | 7. |

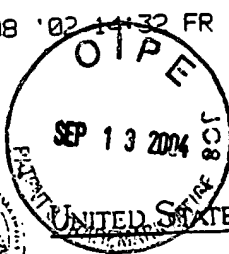
Request for Corrected Filing Receipt
ORT-1531

3. Please charge any fees in connection with this Request to Deposit Account No. 10-0750/ORT-1531/JWW.



John W. Wallen III, Esq.
Reg. No. 35,403

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Tel: (858) 784 - 3239
Date: 8 April 2002
Customer No. 000027777



UNITED STATES PATENT AND TRADEMARK OFFICE

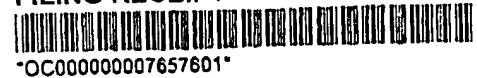
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/037,369	01/07/2002	1653	740	ORT-1531	8	19	3

CONFIRMATION NO. 6789

RECEIVED

FILING RECEIPT



OC000000007657601

Philip S. Johnson, Esq.
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003MAR 21 2002
J & J PAT. DKT. SECTION

Date Mailed: 03/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Wing K. Cheung, Warren, NJ;
Basant Sharma, Bridgewater, NJ;
Sweta Chokshi, Edison, NJ;
Selima Begum, Edison, NJ;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/16/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Aqueous sustained-release formulations of proteins

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181 the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



GOLDEN TRIANGLE POSTAL STORE
SAN DIEGO, California

921229997

11/07/2001 (800)275-8777 03:52:03 PM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	

WASHINGTON DC 20231			\$16.25
Express Mail PO-ADD			

Serial Number ET666296599US

Nextday 3PM /Normal

Delivery

Paid by account: \$16.25

EMCA account number: 088701

Total: \$0.00

Paid by:

Bill#: 1000500668685

Clerk: 10

— Thank you for your business —